

**Notice of Allowability**

Application No.

09/998,710

Examiner

George C Yeung

Applicant(s)

MARTEL ET AL.

Art Unit

1761

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on June 17, 2004.
2. ☒ The allowed claim(s) ~~is~~ are 22-52.
3. ☒ The drawings filed on 30 November 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

George C Yeung  
Primary Examiner  
Art Unit: 1761

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**EXAMINER'S AMENDMENT**

In order to correct an obvious informality, pursuant to M.P.E.P. 1302.04, the following change has been made by the Examiner:

In claim 26, line 2, the term "separator refiner" has been changed to -- separator or refiner --.


**Reasons for Allowance**

The following is an examiner's statement of reasons for allowance: The prior art of record does not show or suggest the present process and apparatus for processing whole oil-producing drupes with skins, pulp and stones containing kernels set forth in claims 22 and 41, wherein the whole drupes are first preheated under controlled conditions for carrying out a controlled preheating limited to the water contained in the pulp and under conditions which substantially avoid the oxidation of the pulp's natural antioxidants, and then a rapid or virtually instantaneous evaporation of a fraction of the preheated water contained in the pulp is effected which favors cellular destructuring limited to the pulp with incipient detachment of the pulp from the skins and stones under conditions which substantially avoid the oxidation of the pulp's natural antioxidants, and physical separation of the skin, stone, and pulp resulting from the cellular destructuring is employed to recover these products.

Any inquiry concerning this communication should be directed to George C.

Yeung at telephone number (571) 272-1412.

G.C. Yeung/af  
August 9, 2004

  
**GEORGE C. YEUNG**  
**PRIMARY EXAMINER**